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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/639,948	08/17/2000	Ned Hoffman	STA-25	4850
<div>60460 7590 06/13/2008</div> <div>MARGER JOHNSON & MCCOLLOM/INDIVOS</div> <div>210 SW MORRISON STREET</div> <div>SUITE 400</div> <div>PORTLAND, OR 97204</div>				
			<div>EXAMINER</div> <div>ZELASKIEWICZ, CHRYSTINA E</div>	
			<div>ART UNIT</div> <div>3621</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>06/13/2008</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/639,948

Applicant(s)

HOFFMAN, NED

Examiner

CHRYSTINA ZELASKIEWICZ

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/ are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgements

1. This action is in reply to the Board of Patent Appeals and Interferences Decision ("Board Decision") filed on March 24, 2008.
2. The Board affirmed the rejection on claims 1, 3, 8, 13-14, 16, 27-28, 32-33, 35, 40, 45-46, 48, 59-60, and 66-67 because "Appellant has not shown error in the Examiner's determination of obviousness" (Board Decision p 9).
3. The Board did not sustain the rejection on claims 2, 4-7, 9-12, 15, 17-26, 29-31, 34, 36-39, 41-44, 47, 49-58, and 61-65 because the Examiner did not address the limitations set forth in these claims and ignored the arguments for their patentability (Id. at 15).
4. Claims 1-67 are currently pending and have been examined.

Priority

5. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. The instant case is a continuation-in-part of 09/398,914.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1, 3, 8, 13-14, 16, 27-28, 32-33, 35, 40, 45-46, 48, 59-60, and 66-67

7. Claims 1, 3, 8, 13-14, 16, 27-28, 32-33, 35, 40, 45-46, 48, 59-60, and 66-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drexler (US 5,457,747) in view of Rechtin (Rechtin, Mark, "Fingerprint Technology Makes for Best ID System," Orange County Business Journal, Newport Beach, May 14, 1990, Vol. 12, Issue 51, Sec. 1, p. 7 (ProQuest document ID 6020297)).

8. The Board affirmed the rejection on claims 1, 3, 8, 13-14, 16, 27-28, 32-33, 35, 40, 45-46, 48, 59-60, and 66-67 because the Board found that no dispute exists as to whether Drexler and Rechtin disclose all the claimed subject matter in claim 1, wherein the above claims stand or fall with claim 1 (Board Decision at 9).

9. Furthermore, the Board found that one of ordinary skill in the art, given Drexler and Rechtin, would have been led to the claimed invention because "the combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results" (*Id.* at 9-10, citing KSR Int'l Co. v. Teleflex Inc., 127 S. Ct. 1727, 1739 (2007)).

10. Thus, the Board found that "Appellant has not shown error in the Examiner's determination of obviousness" (*Id.* at 9).

Claims 1-2, 4-7, 9-12, 15, 17-26, 29-32, 34, 36-39, 41-44, 47, 49-58, and 61-65

11. Claims 1-2, 4-7, 9-12, 15, 17-26, 29-32, 34, 36-39, 41-44, 47, 49-58, and 61-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drexler in view of Biometrics ("Is it Time for Biometrics?", Banking Automation Bulletin for Europe, London, September 1992, Issue 115, p. 1 (ProQuest document ID 7415352)).

Claims 1, 32

12. Claims 1 and 32 are alternatively rejected as being unpatentable over Drexler in view of Biometrics.

13. Drexler discloses the following limitations of claims 1 and 32:

- a. An electronic communication... formed;

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- b. A user registration... user;
 - c. A public network... users;
 - d. A user registration... identifier;
 - e. A bid biometric... identifier;
 - f. A user identification... user; and
 - g. An electronic communication... execution (Board Decision at 9).
14. Drexler does not disclose the following limitation:
- h. Wherein... cards.
15. Biometrics discloses the following limitation:
- i. wherein an electronic communication is biometrically-authorized without the user having to present smartcards or magnetic swipe cards (Biometrics p 1).
16. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Drexler with Biometrics because a need exists to deter fraud in electronic benefit transfer systems (Drexler C 2 L 22-27), and a need exists for the development of biometric methods of identification that may not require smart cards (Biometrics p 1). Having the electronic communication biometrically-authorized without the user having to present smartcards or magnetic swipe cards can help deter fraud in electronic benefit transfer systems because 1) fingerprint identification is the best form of personal protection for records and financial access (Rechlin p 7) and 2) biometrics is the ultimate protection of a person's privacy since it is difficult to impersonate someone else (Rechlin p 7).
17. Additionally, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Drexler with Biometrics because "the combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results" (Board Decision at 9-10, citing KSR Int'l Co. v. Teleflex Inc., 127 S. Ct. 1727, 1739 (2007)).

Claim 2

18. Drexler, in view of Biometrics, discloses the limitations of claim 1. Furthermore, Drexler discloses the following limitations:

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j. during the bid biometric transmittal step, the electronic identifier comprises any of the following: a master electronic identifier (permanent storage medium), and; a subset electronic identifier, said subset electronic identifier comprising a computer database which electronically stores a subset of all of the registration biometric samples from registered users (abstract).

Claims 4, 36

19. Drexler, in view of Biometrics, discloses the limitations of claims 1, 34. Furthermore, Drexler discloses the following limitations:

k. a first comparison step, wherein a subset electronic identifier (verification terminal) compares the bid biometric sample (biometric information) taken directly from the person of the user (person) with at least one registration biometric sample previously stored (biometric template read from permanent storage medium) in the subset electronic identifier for producing either a successful (verified) or failed identification of the user (C 4 L 61-67, C 5 L 1);

l. a public network data transmittal step, wherein if the subset electronic identifier returns a failed identification result (confirmed mismatch), the bid biometric sample is electronically transmitted via a public communications network (via phone lines) to a master electronic identifier (library of biometric information) (C 5 L 20-21, C 6 L 17-20, C 7 L 36-37, C 8 L 7-13);

m. a second comparison step, wherein a master electronic identifier (library of biometric information) compares the bid biometric sample (biometric information acquired from a person at first writing device) to at least one registration biometric sample previously stored (biometric information on file at the library) in the master electronic identifier for producing either a successful or failed (does not match) identification of the user (C 6 L 20-38);

n. a communication authorization step, wherein upon the earliest successful identification (verified) of the user by an electronic identifier, at least one electronic communication is authorized for execution (dispense benefits) (C 5 L 1, 45).

20. Drexler does not disclose the following limitations:

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- o. Wherein an electronic communication... swipe cards.
- 21. Biometrics discloses the following limitations:
 - p. wherein an electronic communication is biometrically-authorized without the user having to present smartcards or magnetic swipe cards (Biometrics p 1).
- 22. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Drexler with Biometrics because a need exists to deter fraud in electronic benefit transfer systems (Drexler C 2 L 22-27), and a need exists for the development of biometric methods of identification that may not require smart cards (Biometrics p 1). Having the electronic communication biometrically-authorized without the user having to present smartcards or magnetic swipe cards can help deter fraud in electronic benefit transfer systems because 1) fingerprint identification is the best form of personal protection for records and financial access (Rechtin p 7) and 2) biometrics is the ultimate protection of a person's privacy since it is difficult to impersonate someone else (Rechtin p 7).
- 23. Additionally, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Drexler with Biometrics because "the combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results" (Board Decision at 9-10, citing KSR Int'l Co. v. Teleflex Inc., 127 S. Ct. 1727, 1739 (2007)).

Claims 5, 37

- 24. Drexler, in view of Biometrics, discloses the limitations of claims 1, 34. Furthermore, Drexler discloses the following limitations:
 - q. an enterprise registration step, wherein an enterprise (person) electronically submits registration identity data (biometric information) (C 7 L 31-34);
 - r. a public network data transmittal step, wherein the enterprise registration identity data (biometric information) is electronically transmitted (sent via telecommunications) to a master electronic identifier (library) via a public communications network (C 7 L 35-37);

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- s. an enterprise registration identity data storage step, wherein the enterprise registration identity data (biometric information) is electronically stored (store) within the master electronic identicator (library) (C 7 L 44-46);
 - t. an enterprise bid identity data network transmittal step, wherein enterprise bid identity data is electronically transmitted to at least one electronic identicator, said electronic identicator comprising any of the following: a subset electronic identicator and a master electronic identicator (library) (C 7 L 35-46);
 - u. an enterprise identification step, wherein an electronic identicator (library) compares the enterprise bid identity data (biometric information) with enterprise registration identity data previously stored (biometric information at the library) in the electronic identicator, for producing either a successful (yields a match) or failed identification of the enterprise (C 7 L 35-40);
 - v. an electronic communication authorization step, wherein upon a successful identification of the enterprise (person) by an electronic identicator and a successful identification of the user (user) by an electronic identicator, at least one electronic communication is authorized (authorization for benefits) for execution (C 7 L 40-44, C 8 L 22-27).
25. Drexler does not disclose the following limitations:
- w. Wherein an electronic communication... swipe cards.
26. Biometrics discloses the following limitations:
- x. wherein an electronic communication is biometrically-authorized without the user having to present smartcards or magnetic swipe cards (Biometrics p 1).
27. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Drexler with Biometrics because a need exists to deter fraud in electronic benefit transfer systems (Drexler C 2 L 22-27), and a need exists for the development of biometric methods of identification that may not require smart cards (Biometrics p 1). Having the electronic communication biometrically-authorized without the user having to present smartcards or magnetic swipe cards can help deter fraud in electronic benefit transfer systems because 1) fingerprint identification is the best form of

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personal protection for records and financial access (Rechtin p 7) and 2) biometrics is the ultimate protection of a person's privacy since it is difficult to impersonate someone else (Rechtin p 7).

28. Additionally, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Drexler with Biometrics because "the combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results" (Board Decision at 9-10, citing KSR Int'l Co. v. Teleflex Inc., 127 S. Ct. 1727, 1739 (2007)).

29. It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute "person" for "enterprise," and "biometric information" for "registration identity data." Drexler already teaches receiving biometric information from a person, comparing said biometric information with a biometric sample previously stored, and an authorization step based upon the successful identification of the person. Drexler does not teach receiving registration identity data from an enterprise, comparing said registration data with registration data previously stored, or an authorization step based upon the successful identification of both the person and enterprise. However, a motivation exists to verify registration identity data from an enterprise and to use both the successful identification of the person and enterprise because two sources of identification (i.e. enterprise and person) is better than one at helping to prevent fraud and ensure proper verification, validation, and authorization (C 2 L 22-27).

30. Alternatively, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Drexler, in view of Biometrics, to show verifying registration identity data from an enterprise and to use both the successful identification of the person and enterprise in order to pay out benefits. Drexler already teaches verification of the person to obtain benefits from a card (abstract). These benefits may include cash, payments for goods or services, vouchers, food stamps, WIC programs, Child Immunization benefits, Medicaid, or Medicare (C 5 L 61-67). A suggestion exists to also use verification of the enterprise (i.e. specific agency that is associated with the card) because required repeated verification enhances security of the card (abstract), and ensures that the appropriate benefits (e.g. food stamps vs. Medicaid payments) are paid out to prevent fraud (C 2 L 22-27).

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Claims 6, 38

31. Drexler, in view of Biometrics, discloses the limitations of claims 5, 37. Furthermore, Drexler discloses the following limitations:

- y. any steps of said method (authorization) occur in any of the following chronologies: simultaneously, and; separated by any increment of time including seconds, minutes, hours, days (days), weeks, months, and years (C 2 L 46-50).

Claims 7, 39

32. Drexler, in view of Biometrics, discloses the limitations of claims 5, 37. Furthermore, Drexler discloses the following limitations:

- z. a first comparison step, wherein a subset electronic identicator (verification terminal) compares the enterprise bid identity data (biometric information) with enterprise registration identity data previously stored (biometric template read from permanent storage medium) in the subset electronic identicator for producing either a successful (verified) or failed identification of the enterprise (C 4 L 61-67, C 5 L 1);
- aa. a public network data transmittal step, wherein if the subset electronic identicator returns a failed identification result (confirmed mismatch), the enterprise bid identity data is electronically transmitted via a public communications network (via phone lines) to a master electronic identicator (library) (C 5 L 20-21, C 6 L 17-20, C 7 L 36-37, C 8 L 7-13);
- bb. a second comparison step, wherein a master electronic identicator (library) compares the enterprise bid identity data (biometric information) with enterprise registration identity data previously stored (biometric information on file at the library) in the master electronic identicator for producing either a successful or failed (does not match) identification of the enterprise (person) (C 6 L 20-38);
- cc. a communication authorization step, wherein upon the earliest successful identification (verified) of the user (user) by an electronic identicator and the earliest successful identification of

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the enterprise (person) by an electronic identicator, at least one electronic communication is authorized for execution (authorization of benefits) (C 7 L 40-44, C 8 L 22-27).

33. Drexler does not disclose the following limitations:

dd. Wherein an electronic communication... swipe cards.

34. Biometrics discloses the following limitations:

ee. wherein an electronic communication is biometrically-authorized without the user having to present smartcards or magnetic swipe cards (Biometrics p 1).

35. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Drexler with Biometrics because a need exists to deter fraud in electronic benefit transfer systems (Drexler C 2 L 22-27), and a need exists for the development of biometric methods of identification that may not require smart cards (Biometrics p 1). Having the electronic communication biometrically-authorized without the user having to present smartcards or magnetic swipe cards can help deter fraud in electronic benefit transfer systems because 1) fingerprint identification is the best form of personal protection for records and financial access (Rechlin p 7) and 2) biometrics is the ultimate protection of a person's privacy since it is difficult to impersonate someone else (Rechlin p 7).

36. Additionally, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Drexler with Biometrics because "the combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results" (Board Decision at 9-10, citing KSR Int'l Co. v. Teleflex Inc., 127 S. Ct. 1727, 1739 (2007)).

37. It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute "person" for "enterprise," and "biometric information" for "enterprise bid identity data." Drexler already teaches a first comparison step of biometric samples from a person with a subset electronic identicator, a second comparison step of said biometric samples with a master electronic identicator, and an authorization step based upon the successful identification of the person (claim 4 above). Drexler does not teach these first or second comparison steps for enterprise bid identity data from an enterprise, or an authorization step based upon the successful identification of both the person and enterprise. However, a motivation exists to verify enterprise bid identity data (i.e. use two comparison steps for an

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enterprise) and to use both the successful identification of the person and enterprise because two sources of identification (i.e. enterprise and person) is better than one at helping to prevent fraud and ensure proper verification, validation, and authorization (C 2 L 22-27).

38. Alternatively, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Drexler, in view of Biometrics, to show using two comparison steps to verify enterprise bid identity data, and to use both the successful identification of the person and enterprise in order to pay out benefits. Drexler already teaches verification of the person to obtain benefits from a card (abstract). These benefits may include cash, payments for goods or services, vouchers, food stamps, WIC programs, Child Immunization benefits, Medicaid, or Medicare (C 5 L 61-67). A suggestion exists to also use verification of the enterprise (i.e. specific agency that is associated with the card) because required repeated verification enhances security of the card (abstract), and ensures that the appropriate benefits (e.g. food stamps vs. Medicaid payments) are paid out to prevent fraud (C 2 L 22-27).

Claims 9, 41

39. Drexler, in view of Biometrics, discloses the limitations of claims 5, 37. Furthermore, Drexler discloses the following limitations:

ff. the enterprise is a legally formed entity comprising any of the following: a corporation (bank), a foundation, a non-profit organization, a sole proprietorship, a limited liability company, and a partnership (C 4 L 32-35).

Claims 10, 42

40. Drexler, in view of Biometrics, discloses the limitations of claims 1, 32. Furthermore, Drexler discloses the following limitations:

gg. during the user identification step, the user provides a personal identification code (social security number) to the electronic identifier along with a bid biometric sample (biometric information) for purposes of identifying the user (C 6 L 30-35).

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Claims 11, 43

41. Drexler, in view of Biometrics, discloses the limitations of claims 1, 37. Furthermore, Drexler discloses the following limitations:

hh. a user re-registration check step, wherein the user's registration biometric sample (newly acquired biometric data) is compared by at least one electronic identifier to previously registered biometric samples (biometric data previously stored) wherein if a match occurs, the electronic identifier is alerted to the fact that the user has attempted to re-register (determine if the card possessor is the same person as the registered owner) (C 2 L 53-65).

Claims 12, 44

42. Drexler, in view of Biometrics, discloses the limitations of claims 10, 42. Furthermore, Drexler discloses the following limitations:

ii. a biometric theft resolution step, wherein a user's personal identification code (authorization code number) is changed (modified) when the user's registered biometric sample is determined to have been fraudulently duplicated (C 2 L 66-67, C 3 L 1-9).

Claims 15, 47

43. Drexler, in view of Biometrics, discloses the limitations of claims 5, 37. Furthermore, Drexler discloses the following limitations:

jj. enterprise registration identity data comprises any of the following: an alpha-numeric code (authorization code number and/or alphabet sequence), a hardware identification code, an email address, a financial account, a biometric of an authorized enterprise representative, a non-financial data repository account, a telephone number, a mailing address, a digital certificate, a network credential, an Internet protocol address, a digital signature, an encryption key, and an instant messaging address (C 2 L 66-67).

44. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Drexler, in view of Biometrics, to show enterprise registration identity data because Drexler already

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teaches a user identification code (claim 10). Therefore, a motivation exists to also utilize enterprise bid identity data because two sources of identification (i.e. enterprise and person) is better than one at helping to prevent fraud and ensure proper verification, validation, and authorization (C 2 L 22-27).

Claims 17, 49

45. Drexler, in view of Biometrics, discloses the limitations of claims 1, 32. Furthermore, Drexler discloses the following limitations:

kk. a rule-module formation step, wherein a rule-module is formed (match of information) in an electronic clearinghouse (library), said rule-module further comprising at least one user-customized pattern data (biometric information) which is associated with at least one execution command (authorization for benefits) (C 7 L 18-50, C 8 L 22-27);

ll. a rule-module invocation step, wherein upon a successful identification (match) of the user, at least one previously designated user-customized rule-module is invoked (authorization for benefits) (C 7 L 39-43, C 8 L 22-27);

mm. an electronic communication execution step, wherein upon the invocation of a user-customized rule-module, at least one electronic communication is executed (authorization for benefits) (C 7 L 39-43, C 8 L 22-27).

Claims 18, 50, 64, 65

46. Drexler, in view of Biometrics, discloses the limitations of claims 17, 21, 49, 53. Furthermore, Drexler discloses the following limitations:

nn. pattern data comprises any of the following: a user unique identification code; demographic information; an email address; a financial account; a biometric (biometric information); internet browsing patterns; a non-financial data repository account; a telephone number; a mailing address; purchasing patterns; database authorization fields; financial credit report data; a call-center queuing, routing and automated response program; an email-center queuing, routing and automated response program; data on pre-paid accounts or memberships

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for products or services; electronic data utilization patterns; employee status; job title; data on user behavior patterns; a digital certificate; a network credential; an internet protocol address; a digital signature; an encryption key; an instant messaging address; user-customized medical records; an electronic audio signature; and an electronic visual signature (C 7 L 18-50).

Claims 19, 51

47. Drexler, in view of Biometrics, discloses the limitations of claims 17, 49. Furthermore, Drexler discloses the following limitations:

oo. said execution commands further comprise user-customized instructions for executing any of the following: accessing of stored electronic data, processing (initiation) of electronic data (apprehension measures), and presentation of electronic data (C 7 L 39-43).

Claims 20, 52

48. Drexler, in view of Biometrics, discloses the limitations of claims 19, 51. Furthermore, Drexler discloses the following limitations:

pp. user-customized accessing of stored electronic data further comprises execution of any of the following: activating of an Interact-connected device; accessing of a secured physical space, and unlocking (authorizing) of a secured physical device (card) (C 8 L 22-27).

Claims 21, 53

49. Drexler, in view of Biometrics, discloses the limitations of claims 19, 51. Furthermore, Drexler discloses the following limitations:

qq. user-customized processing of electronic data further comprises invoking any of the following: a digital certificate (digital signature), an identity scrambler, a database authorization field, an electronic consumer loyalty or consumer rewards incentive, an electronic advertisement, an instant messaging program, real-time tracking of an incoming caller or an email sender, a time and attendance monitoring program, an emergency home alarm and personal safety notification

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program, a real-time challenge- response program, a call-center queuing prioritization program, a call-center routing prioritization program, an email-center queuing prioritization program, an email-center routing prioritization program, an automated caller or emailer response program, a call- forwarding program, and an electronic intelligent software program for electronic data search and retrieval (C 7 L 4-6).

50. It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute "digital signature" for "digital certificate" because a digital certificate typically contains a digital signature, and either can be used to verify a source (Diffie et al. US 5,371,794 C 7 L 12-15).

Claims 22, 54

51. Drexler, in view of Biometrics, discloses the limitations of claims 19, 51. Furthermore, Drexler discloses the following limitations:

rr. user-customized presentation of electronic data comprises any of the following: a print-out, a computer screen display (monitor), an audio message (person's voice), a tactile sensation and a holographic image (C 6 L 49-67, C 7 L 1-16).

Claims 23, 55

52. Drexler, in view of Biometrics, discloses the limitations of claims 17, 49. Furthermore, Drexler discloses the following limitations:

ss. the rule-module invocation step further comprises a third-party communications step, wherein the electronic rule-module clearinghouse (library) communicates with one or more third-party computers (verification terminal) in order to invoke a rule-module (a match authorizes benefits) (C 8 L 22-27).

Claims 24, 56

53. Drexler, in view of Biometrics, discloses the limitations of claims 17, 49. Furthermore, Drexler discloses the following limitations:

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tt. user-customized pattern data (biometric information) is provided to the electronic rule-module clearinghouse (library) by any of the following: the user (person), the electronic identifier (verification terminal), the electronic rule-module clearinghouse, and a user-authorized third party (C 7 L 33-37).

Claims 25, 57

54. Drexler, in view of Biometrics, discloses the limitations of claims 17, 49. Furthermore, Drexler discloses the following limitations:

uu. user-customized execution commands (no match, then information is stored) are provided to the electronic rule-module clearinghouse (library) by any of the following: the user, the electronic rule-module clearinghouse (library), the electronic identifier (verification terminal) and a user-authorized third party (C 7 L 31-63).

Claims 26, 58

55. Drexler, in view of Biometrics, discloses the limitations of claims 17, 49. Furthermore, Drexler discloses the following limitations:

vv. a master rule-module storage step, wherein all of the rule-modules (match of information, no match of information) from all of the registered users (persons) are stored in a master rule-module clearinghouse (library) (C 7 L 18-50, C 8 L 22-27);

ww. a subset rule-module storage step, wherein a subset of all of the rule-modules from registered users is stored in a subset rule-module clearinghouse (verification terminals or first writing devices) (C 7 L 18-22);

xx. a rule-module invocation step, wherein upon a successful identification (match) of the user, at least one user-customized rule-module (authorization for benefits) is invoked by any of the following: a subset rule-module clearinghouse and a master rule-module clearinghouse (library) (C 7 L 39-43, C 8 L 22-27);

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yy. an electronic communication execution step, wherein upon the invocation of a user-customized rule-module, at least one electronic communication is executed (authorization for benefits) (C 7 L 39-43, C 8 L 22-27).

Claims 29, 62

56. Drexler, in view of Biometrics, discloses the limitations of claims 26, 58. Furthermore, Drexler discloses the following limitations:

zz. a first rule-module invocation step, wherein the subset rule-module clearinghouse (verification terminal) attempts to invoke at least one user-customized rule-module (identification of person) (C 4 L 61-67, C 5 L 1);

aaa. a public network data transmittal step, wherein if the subset rule-module clearinghouse (verification terminal) fails to invoke a user-customized rule-module (confirmed mismatch), the request is transmitted to a master rule-module clearinghouse (library) via a public communications network (via phone lines) (C 5 L 20-21, C 6 L 17-20, C 7 L 36-37, C 8 L 7-13);

bbb. a second rule-module invocation step, wherein a master rule-module clearinghouse (library) attempts to invoke at least one user-customized rule-module (identification of person) (C 6 L 20-38);

ccc. an electronic communication execution step, wherein upon the earliest invocation of a user-customized rule-module, at least one electronic communication is executed (authorization for benefits) (C 7 L 39-43, C 8 L 22-27).

Claim 30

57. Drexler, in view of Biometrics, discloses the limitations of claim 26. Furthermore, Drexler discloses the following limitations:

ddd. the master rule-module clearinghouse (library) comprises a computer database (mainframe computer having extensive memory capacity) which electronically stores all of the

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rule-modules (biometric information) for all of the registered users (persons) (C 7 L 18-22, C 6 L 17-20).

Claim 31

58. Drexler, in view of Biometrics, discloses the limitations of claim 26. Furthermore, Drexler discloses the following limitations:

eee. the subset rule-module clearinghouse (verification terminal) comprising a computer database (computer 40) which electronically stores a subset of all of the rule-modules (biometric information) for registered users (persons) (C 6 L 49-58, C 7 L 24-30).

59. It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute "computer" for "computer database" because computers typically contain a storage means (i.e. database) (Flaherty et al. US 5,280,627 C 3 L 8-10).

Claim 34

60. Drexler, in view of Biometrics, discloses the limitations of claim 32. Furthermore, Drexler discloses the following limitations:

fff. a subset electronic identifier (verification terminal) having:

ggg. a computer database containing a subset of all stored biometric samples from registered users in the computer system (see claim 31 above);

hhh. a comparator that compares a received biometric sample with previously stored biometric samples to deliver either a successful or failed identification of the user (see claim 4 above).

Claim 61

61. Drexler, in view of Biometrics, discloses the limitations of claim 34. Furthermore, Drexler discloses the following limitations:

iii. the subset electronic identifier (verification terminal) further comprises a computer database (see claim 31 above):

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- jjj. being physically remote from the master identicator (figure 1, C 6 L 18-23, C 8 L 22-27);
- kkk. capable of using any communications network (computer) for receiving the bid biometric sample (biometric information) (C 6 L 49-67).

Claim 63

62. Drexler, in view of Biometrics, discloses the limitations of claim 58. Furthermore, Drexler discloses the following limitations:

- III. the subset rule-module clearinghouse (verification terminal) is physically remote from the master rule-module clearinghouse (library) (figure 1, C 6 L 18-23, C 8 L 22-27).

63. **Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Conclusion


64. Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Chrystina Zelaskiewicz** whose telephone number is **571.270.3940**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, **Andrew Fischer** can be reached at **571.272.6779**.

65. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see

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/Chrystina Zelaskiewicz/
Examiner, Art Unit 3621
June 11, 2008

 6/11/08
ANDREW J. FISCHER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600


WYNN W. GOGGINS
TECHNOLOGY CENTER DIRECTOR